IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

OP.No. 18376 of 1999(K)

PETITIONERS:

1. **PRABHAKARAN M., BINDU BHAVAN, CHOOLATHERUVU, MUTHUKULAM.**
2. **MURALIDHARAN K., VAZHASSERIL, CHOOLATHERUVU, MUTHUKULAM.**

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:

1. **NATIONAL THERMAL POWER CORPORATION LIMITED., NTPC BHAWAN, SCOPE COMPLEX, 7-INSTITUTIONAL AREA, LODHI ROAD, NEW DELHI – 110 003.**
2. **THE GENERAL MANAGER, NATIONAL THERMAL POWER CORPORATION LIMITED., KAYAMKULAM COMBINED CYCLE POWER PROJECT, NANGIARKULANGARA, ALLAPPEY.**
3. **THE ADDITIONAL GENERAL MANAGER, NATIONAL THERMAL POWER CORPORATION LIMITED., KAYAMKULAM COMBINED CYCLE POWER PROJECT, NANGIARKULANGARA, ALLEPPEY.**
4. **THE REGIONAL LABOUR COMMISSIONER (CENTRAL), KOCHI – 682 016.**
5. **E.DOMINIC, UDAYAGIRI, CHOOLATHERUVU P.O., CHOOLATHERUVU.**
6. **THE UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF LABOUR, NEW DELHI.**

BY ADV. SRI.A.SUDHI VASUDEVAN, ADDL.CGSC for R6
SRI.K.ANAND for R1,R2 & R3
SRI. JOHN VARGHEESE, ASST.S.G.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.18376/1999 K

ORDER ON C.M.P.NO.30180/1999 IN O.P.NO.18376/1999 K

DISMISSED

02/03/2007 **SD/-PIUS C.KURIAKOSE, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE CONTRACT ENTERED INTO BY FIRST RESPONDENT WITH THE FIFTH RESPONDENT FOR ENGAGING THE PETITIONERS FROM 1/07/1996 TO 30/06/1997.**

EXT.P2: **COPY OF THE BILLS SANCTIONED BY FIRST RESPONDENT IN RESPECT OF THE WORKS DTD. 22/04/1995.**

EXT.P3: **COPY OF THE CERTIFICATE ISSUED BY THE FOURTH RESPONDENT TO THE PETITIONERS DTD. 30/06/1997.**

EXT.P4: **COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS AND OTHERS TO THE THIRD RESPONDENT DTD. 10/06/1997.**

EXT.P5: **COPY OF THE COMMUNICATION ISSUED BY THE OFFICE OF THE JOINT LABOUR COMMISSIONER, NTPC KAYAMKULAM, DTD. 17/03/1998.**

EXT.P6: **COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS AND OTHERS BEFORE THE FOURTH RESPONDENT DTD. 16/04/1998.**

EXT.P7: **COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS AND OTHERS TO THE CHIEF PERSONNEL MANAGER OF THE FIRST RESPONDENT DTD. 14/04/1999.**

/TRUE COPY/

Kss

PIUS C. KURIAKOSE, J.

O.P. No. 18376 OF 1999

Dated this the 2nd day of March, 2007

JUDGMENT

Even though very persuasive submissions were made before me by Sri. P.B. Suresh Kumar, Learned counsel for the petitioner who relied on the judgment on **Secretary, Haryana State Electricity Board V.Suresh and others** [AIR 1999 SC 1160] and having regard to the principles laid down by the Supreme Court in **State of Karnataka V. Umadevi** [2006 (4) SCC 1] and the terms of Ext.P1, I am of the view that the relief which is sought for in the Writ Petition i.e. for issuance of a writ of mandamus or other appropriate writ, direction or order commanding respondents 1 to 3 to reinstate the petitioners in service, absorb them in regular establishment and provide them all monetary consequences cannot be granted at all. Petitioner will have to work out his remedies if available elsewhere. The Original Petition will stand dismissed. No costs.

PIUS C. KURIAKOSE, JUDGE

btt